

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

WP(C).No. 33758 of 2015 (T)

PETITIONER(S):

**INDIRA MAHILA SAMAJAM,
REGISTER NO.K.12/83, KARINILAM P.O.,
MUNDAKAYAM, KOTTAYAM DISTRICT,
REPRESENTED BY ITS PRESIDENT LEELAMMA KUNJUMON,
AGED 57 YEARS, W/O.KUNJUMON, POOVELIMATTOM HOUSE,
KARINILAM P.O., VELANADI-686 513.**

**BY ADVS.SRI.LIJI.J.VADAKEDOM,
SMT.REXY ELIZABETH THOMAS,
SRI.RAJEEV JYOTHISH GEORGE.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
LAND REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR,
KOTTAYAM, CIVIL STATION,
CIVIL STATION P.O., KOTTAYAM-1.**
- 3. THE TAHSILDAR,
KANJIRAPPALLY TALUK, CIVIL STATION,
KANJIRAPPALLY P.O., KOTTAYAM-686 507.**

BY GOVT. PLEADER SRI.BIJU MEENATTOOR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 : TRUE COPY OF THE BYELAWS OF THE MAHILA SAMAJAM REGISTERED WITH NO.28/1960 OF THE SUB REGISTRAR OFFICE KANJIRAPPALLY.
- P2 : TRUE COPY OF THE COMMUNICATION BEARING NO.AL-58/61 DTD 03-02-1961.
- P3 : TRUE COPY OF THE REGISTRATION CERTIFICATION BEARING NO.K-12/83.
- P3A : TRUE COPY OF THE RELEVANT PAGES OF THE ARTICLE OF ASSOCIATION OF THE PETITIONER SAMAJAM.
- P4 : TRUE COPY OF THE DECISION OF MUNDAKAYAM GRAMA PANCHAYAT DTD. 15-01-2013 SUBMITTED BEFORE THE HEALTH MINISTER.
- P5 : TRUE COPY OF THE COMMUNICATION ISSUED BY THE SECRETARY DISTRICT PANCHAYAT KOTTAYAM TO 2ND RESPONDENT DTD. 06-02-2013.
- P6 : TRUE COPY OF THE REPRESENTATION DTD. 12-02-2013.
- P7 : TRUE COPY OF THE REQUEST DTD NIL SUBMITTED BEFORE 2ND RESPONDENT.
- P8 : TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER BEFORE 2ND RESPONDENT DTD. 15-02-2013.
- P9 : TRUE COPY OF THE JUDGMENT DTD. 14-08-2013 IN WP(C).NO.20119/2013 BEFORE THE HON'BLE HIGH COURT OF KERALA.
- P10 : TRUE COPY OF THE ORDER DTD. 30-11-2013 PASSED BY THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.33758/2015**  
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Dated this the 9th Day of December, 2015

J U D G M E N T

The petitioner has approached this Court aggrieved by the order passed by the District Collector, Kottayam. The petitioner is a Mahila Samajam. It is submitted that they were allotted land having an extent of 1.5 Acres in Kanjirappally Taluk in Erumeli North Village by the Government in the year 1961. They rely on Ext.P2 in support of the above plea.

2. Petitioner submits that they have constructed two buildings and further, that the aforesaid land was allotted based on a scheme floated by the Government to rehabilitate persons of Kumali-Amaravathy in Idukki District in connection with the Idukki Hydroelectric Project. The petitioner raised an objection against inclusion of this property in the Zero Landless Scheme, 2015. This was considered in Exhibit-P10 pursuant to the direction of this Court in W.P.(C). No. 20119 of 2013 dated 14/08/2013. The District Collector, by Exhibit-P10, rejected the claim of the petitioner for the land, stating that the petitioner did not produce any document.

3. The petitioner's case is that Exhibit P2 would clearly show that the petitioner has been allotted the land in the year 1961. It is seen from

W.P.(C).No.33758/2015

-:2:-

Exhibit P10 order that the above aspect has not been adverted to. Therefore, this Court is of the view that Exhibit-P10 has to be reconsidered.

4. There shall be a direction to the District Collector to reconsider the petitioner's request after adverting to Exhibit-P2 claimed by the petitioner. Necessary orders shall be passed by the District Collector within two months. Till a decision is taken, *status quo* shall be maintained. Accordingly, Exhibit P10 is quashed.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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